

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>In Re: BP P.L.C. SECURITIES LITIGATION</b>	) ) ) ) )	<b>MDL No. 2185 Civil Action No. 4:10-md-02185 Hon. Keith P. Ellison</b>
<b>In Re: BP ERISA LITIGATION</b>	) ) ) ) )	<b>Civil Action No. 4:10-cv-04214 Hon. Keith P. Ellison</b>

**DECLARATION OF EDWIN J. MILLS IN SUPPORT OF PLAINTIFFS RALPH  
WHITLEY AND DAVID M. HUMPHRIES' MOTION FOR  
APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL**

I, Edwin J. Mills, make this Declaration pursuant 28 U.S.C. § 1746:

1. I am of counsel to Stull, Stull & Brody ("SSB"), counsel for Plaintiff Edward F. Mineman in *Mineman v. BP Corp. North America, Inc., et al.*, Case No. 10-cv-04305, one of the consolidated ERISA actions against BP.

2. I was admitted to practice in 1978 and have been active on the plaintiffs' side of class action litigation continuously since my admission. I have tried four class actions to verdict and have negotiated at least two dozen class action settlements.

3. I have significant experience in ERISA class action litigations such as the instant Action. I have served as co-lead counsel in, and have personally participated in the negotiation of six of the twenty largest recoveries in ERISA class action cases involving the allegedly imprudent investment of retirement plan savings in employer stock.<sup>1</sup> Those cases are: *National*

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<sup>1</sup> See ERISA Class Action Settlements & Attorney Fees chart maintained by Fiduciary Counselors Inc., available at <http://www.erisasettlements.com/press/ERISA-Chart.pdf>.

*City Corporation Securities, Derivative & ERISA Litig.*, 1:08-cv-07000-PAG (N.D. Ohio) (recovery in 2010 of \$43 million in cash to the company's 401(k) plan); *Overby v. Tyco International, Ltd.*, Case No. 02-CV-1357-B (D.N.H.) (settlement in 2009 of \$70.525 million in cash); *In re AOL Time Warner ERISA Litig.*, Civil Action No. 02 CV 8853 (SWK) (S.D.N.Y.) (recovery in 2006 of \$100 million in cash to the company's 401(k) plan, in what the court noted was "one of the largest ERISA settlements to date")<sup>2</sup>; *In re Cardinal Health, Inc. ERISA Litig.*, No. C2-04-643 (ALM) (S.D. Ohio) (recovery in 2006 of \$40 million in cash to the company's 401(k) plan); *In re Lucent Technologies, Inc. ERISA Litig.*, Civil Action No. 01-cv-3491 (JAP) (D.N.J.) (recovery in 2005 of \$69 million (primarily Lucent stock) to the company's 401(k) plan); *Harrington v. Household International, Inc.*, Civil Action No. 02 C 8257 (N.D. Ill.) (recovery in 2004 of \$46.5 million in cash to the company's 401(k) plan).

4. I and SSB are currently serving in a leadership role with proposed Interim Co-Lead Class Counsel Squitieri & Fearon, LLP in two ERISA class cases, *Metyk v. Keycorp et al.*, 1:10-cv-02112-DCN (N.D. Ohio) and *In Re SunTrust Banks, Inc. ERISA Litig.*, 1:08-cv-03384-RWS (N.D. Ga.), and I know the Squitieri Firm to be experienced ERISA class action attorneys who are well-suited to prosecute the Class's claims herein.

5. I worked with proposed Interim Co-Lead Class Counsel Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP in prosecuting the *National City ERISA* case cited in paragraph 3, and know the Liner Firm to be experienced ERISA class action attorneys who are well-suited to prosecute the Class's claims herein.

6. I have not worked before with proposed Co-Lead Class counsel Ajamie LLP, but have conferred with other experienced class actions attorneys and have been informed about the Ajamie firm's excellent reputation and substantial experience in handling complex litigation.

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<sup>2</sup> *In re AOL Time Warner ERISA Litig.*, 2006 U.S. Dist. LEXIS 70474 \*29 (S.D.N.Y. Sept. 27, 2006)

7. I submit this Declaration to state of record my support for the Plaintiffs Ralph Whitley and David Michael Humphries' motion to appoint Squitieri & Fearon, LLP, Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP and Ajamie LLP as Interim Co-Lead Class Counsel in the consolidated ERISA case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 5, 2011.

/s/ Edwin J. Mills  
Edwin J. Mills

Respectfully submitted,

STULL, STULL & BRODY

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### **CERTIFICATE OF SERVICE**

I certify that the Declaration of Edwin J. Mills in Support of Plaintiffs Ralph Whitley and David M. Humphries' Motion for Appointment of Interim Co-Lead Class Counsel was filed and served through the court's ECF system on January 5, 2011.

/s/ Thomas R. Ajamie